

RECEIVED
CENTRAL FAX CENTER

JAN 22 2009

EDWARD J. LYNCH
Patent Attorney
One Embarcadero Center
Suite 562
San Francisco, CA 94111

Telephone: 415.646.8028
Fax: 415.646.8035
E-mail: elynch@m-diplaw.com

FACSIMILE

To:	Examiner Brian S. Szmaj
Company:	Mail Stop Amendment
Fax:	571 273 8300
From:	Ruth Der, Paralegal
Telephone:	415 646 8029
Fax:	415 646.8035
Date:	January 22, 2009
Re:	Serial No. 10/650,027; Atty. Docket No. SENOP-00302
Pages: (including coversheet)	15
Message:	Attached are <i>Status Inquiry</i> and <i>Amendment And Response To Office Action Mailed 06/03/2008</i> .

Please confirm receipt of this facsimile.

NOTE: Original will not follow.

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 415 646 8028.

JAN 22 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.For: **ELECTROSURGICAL BIOPSY DEVICE
AND METHOD**

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: SENOP-00302

Examiner: Brian S. Szmaj

Group Art Unit: 3736

Customer No.: 061808

TRANSMITTAL

CERTIFICATE OF TRANSMISSION PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile (571) 273-8300 addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Attn: Examiner Brian S. Szmaj, on January 22, 2009, in San Francisco, CA.

By: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Enclosed herewith for filing in the above-identified patent application are
/ X / Status Inquiry; and
/ X / Amendment And Response To Office Action Mailed 06/03/2008.
2. Fees due
/ X / No additional claim fee is required.

Additional Claim Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Independent Claims	2201	4 -6=	0 x	\$110.=	\$0.
Total Claims	2202	28 -34=	0 x	\$26.=	\$0.

3. Payment of Fees

/ X / The Commissioner is authorized to charge the fees associated with this communication, the deficiency in payment and/or credit any overpayment of fees which may be required under 37 C.F.R. §§1.16 and 1.17 to Deposit Account No. 50-4358, referencing Atty. Docket No. SENOP-00302.

Respectfully submitted,

By: Edward J. Lynch
Registration No. 24,422
Attorney for ApplicantsEDWARD J. LYNCH
Patent Attorney
One Embarcadero Center, Suite 562
San Francisco, CA 94111
Tel: (415) 646.8028
Fax: (415) 646.8035

JAN 22 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.For: **ELECTROSURGICAL BIOPSY DEVICE
AND METHOD**

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: SENOP-00302

Examiner: Brian S. Szmal

Group Art Unit: 3736

Customer No.: 061808

STATUS INQUIRY**CERTIFICATE OF TRANSMISSION PURSUANT TO 37 CFR § 1.8**

I hereby certify that this correspondence is being transmitted by facsimile (571) 273-8300 and addressed to Attn: Examiner Brian S. Szmal, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, January 21, 2009 in San Francisco, CA.

By: 

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby inquire into the status of the present application. There was an Office Action mailed June 3, 2008 from the Patent Office, and in response, applicants had a telephone conversation on August 26, 2008 with the Examiner in which applicants requested the Examiner to cancel claims 58-62 and pass the case to issue. The Examiner indicated that he would make the proposed amendment.

In the event that the present application has been deemed abandoned by the Patent Office, applicants herein request revival of the application for the unintentional delay in replying pursuant to 37 CFR §1.137(b) and entry of the concurrently filed amendment cancelling claims 58-62. The Commissioner is authorized to charge the fees associated with this communication, the deficiency in payment, and/or to credit any overpayment which may be required under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 50-4358, referencing Atty. Docket No. SENOP-00302.

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

EDWARD J. LYNCH
Patent Attorney
One Embarcadero Center, Suite 562
San Francisco, CA 94111
Tel: (415) 646.8028
Fax: (415) 646.8035